sisth Year-No. 1,080

KLAMATH FALLS, OREGON, TUESDAY, FEBRUARY 20, 1912

Price, Pire Custs

### CHARTER AWAITS LAW TOME SEARCH

FILERS SEEKING IT toated.

If the proponents of the initiative petition for commission government on convince the city council that the council can hand the petition to amediately be remedied as to the delective title.

City Attorney Huraco M. Manning gre the council a written opinion nd sight that the council could not dange the title, but that the petition not be submitted as filed. , He said that if the petition had been subnitted to him before it was filed he would have tried to supply the omisdoss. Whether the filer could withday the petition without the conthe petition might be lawful, but Maning said he was doubtful of it. Be believed it would take a majority of the signers to withdraw It.

"This is unfortunate," said Mayor Fred T. Sanderson, "for all who have uch matters to bring before the city the city attorney on them before they are submitted to it."

W. O. Smith said be had been disruise it would go up to the police wire to be submitted to the voters. The city attorney said that he had bund 15 objectionable features in

be instrument, two of which, in his piales, would absolutely invalidate He said the council only ordains competing measure after it rejects

Mr. Smith said he believed it was he will of a majority of the people the city to have the measure sub-"If the charter is declared Hiegal,

that will happen to your amendsent?" asked the city attorney. It would be in the same condition

the charter," was the reply. Everywhere in this instrument it and hever refers to der's millinery store. mendment. It is the duty of the musell to see that the instrument is egal before it good to the people," aid Manning.

"I think the legality of any charor depends on the opinion of the oper court, anyway," replied Smith. I think the council has a right to

"The law is that the council can

Smith said he thought everything

e measure was legal. Attorney Fred H. Mills as a tax-

aper, said that if the present charer was legal it could be amended. ad if not, it could not be. If it was one to be issued under the 1910 standing. tarter, and for the further reason

cal errors. The resolution was de-

Dr. William A. Leonard said that the committee which drew up the CHY ATTORNEY OF OPINION charter was impressed with the Grand THAT CITY COUNCIL CANNOT Junction, Colo, charter and drew largely from it. He considered that MEND TITLE, WHILE PROPO- if there were only fifteen errors in SENTS THINK DIFFERENTLY, It was a compliment to the committee which drew it up.

He and Mr. Smith thought the law was that the council could return the ASKS GUARDIAN FOR petition to the filers, but the city attorney opined to the contrary. In the meantime the filers will try to Brother of Edwin Lawrence the fiers this will be done and it can find the law on this point, and if they are right the petition is to be returned to them for amendment.

The copies of the new charter proposed by the council were submitted and distributed by Mayor Sanderson Lawrence Neubanks, recently comto the councilmen and others for the mitted to the insane asylum at Salem, signatures of initiative petitioners, has filed with the county court a peti-One difference between the proposed tion asking that a guardian be apcommission form of charter and the pointed for the brother. The peticouncil charter is that the former tioner lives about two and a half was drawn up by the petitioners and miles from Klamath Palls and it is gat of a majority of the signers of printed at their own individual exercised that he will be appointed a meeting of the Club tonight, but pense. The council charter is drawn guardian. One reason a guardian is time proved too short for preparation till yesterday, when the cases were up by the council gets the signatures wanted for the unfortunate man is so of initiative petitioners as though it that proof may be finished up on a were an instrument emanating from homestead on which he has filed near the people, but it is paid for out of Worden. the general fund of the city. The council charter does not pur-

he the right to have the opinion of port to be an amendment to the presincorporating the City of Klamath Palls and "providing a charter therepes an opinion that the council had for." It attempts to remedy the mixhe authority to change and that up in the city limits brought about by the alleged failure, at the time there was a special election to enlarge the boundaries, to have them ANOTHER MEETING TONIGHT TO continuous. Over these boundaries there is at this time a suit on against the city by the Long Lake Lumber Company, it being asserted that there is a gap in the line. The Long Lake Lumber Company is interested in Shippington property, which the election is, by the city, maintained to night a committee, consisting of Nel-

that the city cannot be incorporated save under general laws, and that the boundaries cannot be amended or ratified except at a special election.

Sale all this week at Runk & Sni-

CONTROVERSY HAS ARISEN THROUGH THE GOVERNMENT CLAIMING TOO MANY ACRES.

James E. Enman, who lives near the council had no right to pay the Stukel bridge, six miles this side by money as rent on the building of Merrill, says that the suit which scupled. He is interested in the the government has asked the Klamthater matter particularly, for the ath Water Users Association to bring mains that when the city bought against him for money alleged to be United Press Service best him a city hall site he took in due from his acres for reclamation LOS ANGELES. Ament contracts for bonds which work has given rise to a misunder-

that he has had paying done by his from me is \$884.25, while as a matwhich was under the re- ler of fact something over \$420 has the setting in accordance with the been paid," said Mr. Enman. "There ble charter. He said that if the is a controversy between the governpresent charter was not good the usent and myself, the former claimpresent city council cannot get up ing that the \$420 does not pay me in full for last year. I have shares that the said that if the charter was not good, he was going in the association for 184 acres, to bark analysis. a fight against paying for his paying, which I have title, and that is all the Mr. Smith offered a resolution to land I have title to. But the gov de roundi asking it to adopt it, the ernment has surveyed and claims pay-

## lasked Bandit Holds Up Train And Brakeman is Arrested And Accused

fulled Press Service

The hours after a masked bandit lice and jailed at Keyser, W. Va.

along the river, which I have refused first year I paid the \$10.50 asked on the three acres in order to get the water turned on, for otherwise 1 would have been without water. But since then I have refused to pay for the three acres and because I am de anquent, according to the govern-

ment's claim, they are already charging me up with this year's payments, which are not due until May. I do not like people to think I'm not good for my bills, so that the impression sained from the item appearing in he Herald is liable to do me an injustice. It's easy enough to get from

collect from me what is not due."

banks, Recently Declared Insane, Files Petition With the County

N. B. Neubanks, brother of Edwin

### port to be an amendment to the present charter. It is for the purpose of PLAN WORKED ON

TAKE UP DETAILS AND ALL MEMBERS OF ORDER, AND REBEKAHS, ARE INVITED.

At a meeting in I. O. O. F. hall last have brought within the city limits. son Rounsevell. George Humphrey In some quarters it is contended and Fred Bremmer, was appointed which will draft papers to incorporate for the purpose of having a clubroom. A telegram has been sent to the grand the name of the "Three Links' Club" or the "Odd Fellows' Club."

bers of the club.

out the plans. Every member of the V. Kuykendall, lodge, as well as of the Rebekahs, is requested to be present.

# det or ordain, not amend," said STUKEL RIVER HANCHER' SAYS BENDER CASE PUT OVER

'aziera, Who Is Charged With Conspiring to Detonate With View to mate there. Atomizing Hall of Records at Los Angeles, May Get Unloosed.

LOS ANGELES, Feb. 20 .- The Records, has been continued to next this city, having run a blacksmith Monday. It is believed it will be dis- shop. Not long after the men came missed. The federal grand jury to here charges of attempted bribery probe further in the McNamara cases were made against the two by Mayor convened and adjourned to this after-

# CASE OF ARMY OFFICER

Presient's Brother, Who Had Politi-He Called to Washington and Questioned by Committee.

atted Press Service WASHINGTON, Feb. 20 .- The

### ment from me for three more acres along the river, which I have refused to pay. I have no title to them. The

SATURDAY NIGHT AT THE COURT HOUSE WILL BE HELD MERT-CAMPAIGN SONGS.

There will be an old-fashioned rally held at the court house Saturday their attitude toward the prosecution. me what I owe, but pretty hard to night under the auspices of the Klamath County Taft Republican Club. AN INSANE MAN was decided to change the date of ton setting forth the bad condition of gram. There will be speaking, music by a male quartet, and possibly some and instruct the citizens.

present and participate in this early educational work of the campaign. The musical numbers will be of parsome new campaign songs sung for the first time.

It had been the intention to hold of the program, some of those to prepaign will now be confined to about eight weeks, it is the intention of against the pavers. the executive committee of the Club to endeavor to have several live meeting during that period and the meetings during that period and the worth while for those present.

McMAHON CHANGES PLEA AS TO TWO INDICTMENTS, WHILE THE THIRD, AND THREE AGAINST HUGHES, ARE QUASHED.

Charges of bribery made against liughes were wound up in the circuit court yesterday when McMahon If the grand lodge is agreeable a changed to guilty his pleas of not name will be chosen from the two. guilty in two of the three indictments Only members of the Odd Fellows rendered against him, and was fined and affiliated orders can become mem- \$1,000 in each of the two cases. The third indictment against him and the Another meeting is to be held this three against Hughes were dismissed evening for the purpose of working on motion of District Attorney Dell

tonio, Tex., it is said, in the care of an attendant, and has not recovered his health, the bad state of which was alleged when he got a stay of proceedings in the court some time ago. Paid For at Flat Rate Schedule as The proceeding yesterday was after ANU MAY DE UISMISSEU court adjourned. McMahon left again this morning for Texas, where he is trying to get in shape for business with the assistance of the mild cli-

McMahon is a salesman for the Rudolph S. Blome Paving Company of Chicago, being Oregon manager for from Portland early last fail to atcase of Caziera Bender, charged with payement. Hughes came to assist conspiring to blow up the Hall of him. Hughes is a former resident of Pred T. Sanderson. President Marion Hanks, of the Council, and Councilman Russell A. Alford of the Pirst ward. The affidavits were made against them on a date early in October before Justice of the Peace Chas Graves and they were arrested and placed in jail, where they remained antil Sheriff William B. Barnes ar ranged to give them a special body cal Service from Major Ray, Will guard, consisting of J. D. Carroll and his son, Perl, who took quarters with their charges at the Baldwin hotel. At the time it was asserted that the cost of the special guards would be paid by the men.

Justice Graves conducted the hearnouse committee on war department ing of the pair in the county court Police assert that money and jewless west pledmont, W. Va., robbing
the point of a revolver, Brakeman

Police assert that money and jewpolice assert that money and jewpresumed too much on the value of
the services."

Cassa Grande Vasquisties are rethe two accusing witnesses testified as a witness, Letter fell into gay comthe car roof and robbed sixteen pasthe car roof and robbed sixteen pasand Hanks and Alford each \$250 for somewhere, sometime, somehow furand Hanks and Alford each \$250 for somewhere, sometime, somehow furand Hanks and Alford each \$250 for somewhere, sometime, somehow furand Hanks and Alford each \$250 for somewhere, sometime, somehow furand Hanks and Alford each \$250 for somewhere, sometime, somehow furand Hanks and Alford each \$250 for somewhere, sometime, somehow furand Hanks and Alford each \$250 for somewhere, sometime, somehow furand Hanks and Alford each \$250 for somewhere, sometime, somehow furand Hanks and Alford each \$250 for somewhere, sometime, somehow furand Hanks and Alford each \$250 for somewhere, sometime, somehow furand Hanks and Alford each \$250 for somewhere, sometime, somehow furand Hanks and Alford each \$250 for somewhere, sometime, somehow furand Hanks and Alford each \$250 for somewhere, sometime, somehow furand Hanks and Alford each \$250 for somewhere, sometime, somehow furand Hanks and Alford each \$250 for somewhere, sometime, sometime, sometime, somehow furand Hanks and Alford each \$250 for somewhere, sometime, someti

Shortly after the hearing at which the men were remanded to the custody of Sheriff William B. Barnes to answer to the circuit court on the tharges, both furnished bond, the surety being an eastern fidelity bondng company. McMahon and Hughes left Klamth Palls after they secured bond, but came back later to plead. Apparently it took a week or two ING, WITH NEW AND POPULAR for them to make up their mind to plead not guilty, for they were quartered at the White Pelican some time before they entered court with their attorney, C. M. O'Nelli, and spoke

Later, about the time their trial was to be had, Attorney O'Nelll A meeting of the executive committee brought luto court affidavits of Docwas held this morning at which it tors R. R. Hamilton and Leo W. Chilthe meeting from tonight, because of McMahon and the need for him to go lack of time for completing the pro- to a lower sittiude and milder climate to recover his health, it being alleged that he was in a condition other musical numbers to entertain which excitement might very serious ly aggravate. On the strength of the Ladies are especially invited to be affidavits the court granted a continuance in the cases and the defendants again left the city. It was asserted that McMahon would be a material ticular interest and will introduce witness for Hughes, and that reason was put forth as an argument against compelling Hughes to go to trial in the absence of McMahon.

No more was heard of the cases unwound up by the fines assess sent numbers finding it impossible against McMahon and the dismissal to be present. As the primary cam- of four of the six indictments pererally brought in by the grand jury

SPUDS, TWO CARLOADS OF 'EM, SENT TO SACRAMENTO AND ASHLAND BY KLAMATH VAL-LEY CONCERN.

Today the Klamath Valley Warehouse & Forwarding Company, of shipped a carload of Klamath potatoes to Ashland. There were 500 sacks of spuds in the car and the folk officers asking for permission to use Samuel A. McMahon and James in and around Ashland can for a likely to be dismissed. Dunne's time rejoice in unusually fine French fried, boiled, baked, hashed brown, Lyonnaise, au gratin and other varieties of cooked "Murphies." On last Saturday the company sent a car of tubers to Sacramento. The vege-tables were from the ranch of R. H. PUNCH

### . Kuykendall. McMahon came here from San An- TAFT WANTS INJURIES TO RAILROAD EMPLOYEES SKINS OF BOBCAT AND COYOTE

Would See Each Man Insured Re gardiess of Negligence.

United Press Service

that concern, and came to the city tal injuries to railroad employees in accordance with a fixed, positive scale ployer's liability.

### WHO FINDS PAPOOSE WILL MAKE MOTHER REJOICE \$1.50.

Indian Mater Gets Her Anatomy Sat-Child Somewhere, But Is Unable to Determine Just Where.

PORTLAND, Feb. 20.-Lost-one

Letta Fairchild, an Indian from the

### **ROOSEVELT READS KEYNOTE SPEECH**

was blunted by copious inhalations of boose—and the youngster got lost. As completely soused as any perfect lady could be, Letta wabbled uncertainly to the third floor of the Fed. eral building in quest of her child Every nook and cranny of the building was searched in vain. Try as she would Letta could not remember what she had done with the child. She concluded it was as likely to be in the Federal building as anywhere

Anyone finding a stray Indian babe will confer a favor on Letta Fairchild, of the Siletz reservation, by returning same to its owner. Letta's speech. John Temple Graves and headquarters are at the office of United States District Attorney John

PROBE HIGH LIVING COST IS MAGISTRATE'S TASK

District Attorney at New York May Prosecute Speculators in Butter and Eggs—Defendants May Aggregate

Inited Press Service

NEW YORK, Feb. 20 .- Magistrate Murphy has announced that he will inquire into the high cost of neces sities and the district attorney will probably criminally prosecute speculators in butter, eggs, vegetables and meats. Today's proceedings were devoted to butter and eggs. There will be a hundred and fifty possible de-

CANNOT CONVICT RUEF IN ANY RESERVE LIST CASE

its Against Former Attorney in Courts of oBth Judges Dunne and Lawier Likely to Be Dismissed for Lack of Bridence.

SAN FRANCISCO, Feb. 20 .- Following a declaration in Judge Dunne's court by Assistant District Attorney which Claude H. Daggett is manager, McNutt that no evidence is available to convict Ruef on the reserve calendar cases, all indictments in both Dunne's and Lawler's courts ceptance is expected to wipe out the whole of the graft cases and finally close the scandal.

BROUGHT TO TOWN BY W. A. ANIMALS IN COUNTRY.

County Clerk Charles R. DeLap paid out more bounty money today WASHINGTON, Feb. 20 .- In a spe- when W. A. Stiles came in with a cial message to congress, President coyote and a bobcat, which are both Taft urged compensation for acciden- rare catches. Mr. Stiles caught the animals in a trap while out cutting wood at his brother's place on Swar tempt to sell the city some granitoid as recommended by the employers' Lake side, about twelve miles from liability and workingmen's compen- the city. He had his traps set about sation commission. The message de- a week before the cautious brutes inclares that the theory is that each em- vestigated them thoroughly, and when ployee be insured against injury sus- they did they were thoroughly distained in work without reference to gusted. The trapper brought the two the west was proposed in the house contributory negligence, without a pelts in this morning and Mr. DeLap. common law limitation on the em- just for all the world like a conducakins, and that's something well regu-lated conductors never do. The bob-cat cost the county \$3 and the coyote \$1.50.

## **TOISSUE TOMORROW**

COLONEL LOOKS OVER PINAL DRAFT OF EFFORT TO BE DE-LIVERED AT COLUMBUS, OMIO, ON HIS BRIEF VISIT.

NEW YORK, Feb. 20.-Roosevelt was at the Outlook office early, having but few visitors. He reed the final draft of his Columbus (Ohio) Editor W. W. Nelson, of the Kansas City Star, called. Roosevelt leaves tonight and arrives at Columbus at 10 a. m. tomorrow. He starts back east at 2 p. m.

Missouri Dems. for Clast. nited Frem Service

JOPLIN, Mo., Feb. 20.-Missouri delegates to the Baltimore convention will be instructed to vote for Champ Clark by the Democratic convention late today. An attempt to name Wilson as second choice is expected.

COURT IGNORED,

APPARENTLY, BY

Signers of Letter in Which Reply to Tender of Court House Site Was Asked—No Copy Received Up to the Present Time.

Strange to say, the county court had early today received no copy of the letter addressed to it by m bers of the Klamath Falls Commercial Club yesterday in which the county court was asked to make a reply to the proposition to the offer of a downtown site for a court hos copy of the letter was given for publication to the Herald yesterday and a natural assumption was that the original had been placed in the hands of the court.

KEMP QUITS SINCLAIR WOMAN WITH SUDDENNIESS

NEW YORK, Feb. 20.-Harry Kmp. "tramp poet." has, acc to mutual friends, deserted Mrs. Meta Sinclair, divorced wife of Upton Sinclair, author of "The Jungles."

The "affinities" have been living in a bungalow at West Point Pleasant, N. J., since Mrs. Sincinir's affection for Upton waned, and she declared her love for Kemp. The divorce followed.

Kemp was a guest at Sinclair's ome when his intimacy with the author's wife was discovered.

Gowan Piles Petition

publican candidate for -nomination for justice of the peace of the Link-ville district, has filed his petition with the county clerk.

PROTECT WOMEN VOTERS IS LEGISLATION'S AIM

Republican Congre formia Believes Women Barred from Ballot by Expatriation Act Should Have Privilego Restored.

WASHINGTON, Feb. 20.-Legisla tion to protect the women voters of California). Under the expatriatio

### urated With Pirewater and Leaves Vasquistas Name Pascal Oroszco TO Command Rebels But He May Refuse

CUMBERLAND Md., Feb. 20.— Kenny of the Baltimore & Ohio po-President Taft said Ray did Charles Councilman Alford the two defend-a political service, since when he has ants were held, McMahon under \$10,rebels under Salasar are operating